

REMARKS

By Official Action dated November 26, 2004, restriction, to one of the following inventions, is required under 35 U.S.C. § 121:

- I. Claims 1-3, drawn to a method for humidifying a work space in a gas-fed incubator, classified in class 236, subclass 44C;
- II. Claims 4-33, drawn to a gas-fed incubator, classified in class 237, subclass 3.

The restriction requirement is respectfully traversed. However, Applicants, in order to be fully compliant with the restriction requirement, hereby elect group II, claims 4-33.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

The Examiner must show that there would be a serious burden if the restriction is not required. Applicants respectfully submit that the Examiner nowhere contends, let alone demonstrates, that a search of all the pending claims would be a serious burden. Further, at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims.

Applicants, therefore, respectfully request withdrawal of the restriction requirement and examination of all pending claims.

CONCLUSION

If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87333.2382.

Respectfully submitted,

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